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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 SAN JOSE DIVISION
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7 THOMAS HEATON SPITTERS,
8 Plaintiff,
9 v.
10 GARY LOEBNER,
11 Defendant.

Case No. [18-cv-02759-BLF](#)

**ORDER GRANTING IN PART AND
DENYING IN PART MOTION FOR
EXTENSION OF TIME**

12 Plaintiff Thomas Heaton Spitters ("Plaintiff") presently moves for an extension of time to
13 oppose Magistrate Judge Cousins' Report and Recommendation to Dismiss Case Without
14 Prejudice (ECF 14), issued on August 7, 2018. *See* ECF 16. Plaintiff's response was due on
15 August 21, 2018. He moves for a new deadline of December 5, 2018, stating that he will not be
16 able to respond before this date, but providing no other justification for the requested delay. The
17 Court finds good cause to grant Plaintiff an extension of five days plus three additional days to
18 account for service by mail, but does not find good cause to extend the deadline until December 5,
19 2018. *See* Fed. R. Civ. P. 6(b)(1). Plaintiff's new deadline to oppose the Report and
20 Recommendation is **August 30, 2018**. Plaintiff's motion is therefore GRANTED IN PART AND
21 DENIED IN PART.

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23 **IT IS SO ORDERED.**

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25 Dated: August 22, 2018



26 BETH LABSON FREEMAN
27 United States District Judge
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